

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION

LISA SHROUF AND GARY SHROUF,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 2:06CV39-SNL
)	
MICHAEL KITE, et al.,)	
)	
Defendants.)	

PLAINTIFFS' SUGGESTIONS IN OPPOSITION TO
DEFENDANT GRISSOM'S MOTION TO COMPEL

COME NOW Plaintiffs, by and through counsel, and for their Suggestions in Opposition to Defendant Grissom's Motion to Compel herein state and allege as follows:

The witness in question is Lisa Shrouf, the mother of Plaintiff's Decedent.

The information sought is the identity of the person who provided her a copy of the investigative report done by the Missouri State Highway Patrol regarding her son's death.

The witnesses in this case are:

- a. Defendant Sheriff Michael Kite;
- b. Defendant E.L. Grissom;
- c. Defendant Robert Becker;
- d. Adam Heller, a co-defendant;
- e. Leon Perry, a person present at the scene;
- f. Brandon Shubert, a person present at the scene;
- g. David Delaney, a person present at the scene;
- h. David Shrage, a neighbor who viewed Defendant Becker's dog;

i. Jackie Shrouf, the uncle of the Decedent to whom sheriff Kite made incriminating statements;

j. The Knox county Sheriff's Dispatcher to whom Defendant Becker was in communication with at the time of the events;

k. Plaintiff Gary Shrouf;

l. Plaintiff Lisa Shrouf;

m. Kori McCurran, the next friend and mother of William Isaac James McCurran, the then unborn son of Plaintiffs' Decedent

n. Gary Maddox, Plaintiffs' expert witness;

o. Kurt V. Krueger, Plaintiffs expert witness;

p. Bruce Harry, MD, Plaintiff's expert witness;

None of the above except Defendants had the capacity to provide a copy of the report in question to Plaintiff Lisa Shrouf.

Defendant Grissom has no reasonable need for the information that he seeks because of the following:

1. The report in question did not come from someone who has any direct knowledge of the facts or who will in any way become a witness.

2. The concept that a named party plaintiff may have a bias is axiomatic; the source of a report adds nothing.

3. What Defendant Grissom is really seeking to do is conduct an investigation on behalf of the Highway Patrol regarding who within their ranks gave Plaintiff Lisa Shrouf a copy of what she was to or should have had.

Defendant Grissom, or actually the Highway Patrol, which is really the master counsel for whom Grissom is serving, has no need for this information. It is not relevant to this proceeding and is intended only to harass, intimidate and thwart Lisa Shrouf's participation in this lawsuit.

Relevance to a case is a cognizable objection when the information or outgrowths thereof are not reasonably calculated to lead to discoverable matters. The information sought is within the above category.

WHEREFORE, Plaintiff Lisa Shrouf moves that the Court overrule Defendant Grissom's Motion to Compel, and for such other, further and additional orders as the court shall deem just and proper in the premjsies.

s/Danieal H. Miller
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ATTORNEY FOR PLAINTIFFS

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing Suggestions in Opposition to Motion to Compel was mailed, postage prepaid, to D. Keith Henson, Paule, Camazine & Blumenthal, 165 N. Meramec Avenue, 6th Floor, St. Louis, MO 63105, attorney for Defendants Kite and Becker, and to Theodore A. Bruce, Assistant Attorney General, 221 W. High Street, P.O. Box 899, Jefferson City, MO 65102, attorney for Defendant Grissom, this 29th day of May, 2007.

s/Danieal H. Miller